

EMPLOYMENT APPEALS BOARD DECISION
2016-EAB-0769

Affirmed
No Disqualification

PROCEDURAL HISTORY: On March 22, 2016, the Oregon Employment Department (the Department) served notice of an administrative decision concluding that claimant voluntarily left work without good cause (decision # 61104). Claimant filed a timely request for hearing. On June 2, 2016, ALJ Triana conducted a hearing in which the employer failed to appear, and on June 6, 2016, issued Hearing Decision 16-UI-61104, concluding that claimant voluntarily left work with good cause. On June 27, 2016, the employer filed an application for review with the Employment Appeals Board (EAB).

With its application for review, the employer included a letter in which the employer's administrator stated that he did not participate in the hearing because he "had a staffing issue that day and was unable to attend." The employer's statement is construed as a request to have EAB consider new information under OAR 471-041-0090 (October 29, 2006), which allows EAB to consider new information if the party presenting the information demonstrates that circumstances beyond the party's reasonable control prevented the party from offering the information at the hearing. The employer's administrator provided no details regarding the "staffing issue" that prevented him from attending the hearing, *e.g.*, what was the nature of the "staffing issue" he encountered, when he became aware of the "issue," why the "issue" prevented him from calling in before or at the start of the hearing to request a postponement, and why no employer representative other than the administrator could have participated in the hearing. Without these details, the employer failed to establish that circumstances beyond its reasonable control prevented its participation in the hearing. The employer's request to present new information is therefore denied.

EAB reviewed the entire hearing record. On *de novo* review and pursuant to ORS 657.275(2), the hearing decision under review is **adopted**.

DECISION: Hearing Decision 16-UI-61104 is affirmed.

Susan Rossiter and D. P. Hettle;
J. S. Cromwell, not participating.

DATE of Service: June 30, 2016

NOTE: You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals within 30 days of the date of service listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310 or visit the Court of Appeals website at courts.oregon.gov. Once on the website, use the ‘search’ function to search for ‘petition for judicial review employment appeals board’. A link to the forms and information will be among the search results.

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